

REMARKS

Drawings

The original specification states that a distribution server is composed of, among other things, a memory section and a radio transmitter. However, according to Fig. 2, the distribution server, data store memory and radio unit are three separate elements. In order to conform the written description to Fig. 2, the radio unit 210, the distribution data store memory 209 and the distribution server 207 are collectively labeled as distribution center 200 and represented in the amended Fig. 2 (replacement sheet attached) with a dotted line around the schematic representations of the radio unit 210, the distribution data store memory 209 and the distribution server 207.

Submission of Substitute Specification

Applicant submits herewith a substitute specification in order to correct minor errors noted in the original application and to place the application in better compliance with U.S. practice. No new matter has been added.

Status of Claims

By way of the present reply and amendment, Applicant has amended claims 1, 4, 8 and 10, added new claims 11-14, retained claims 2-5 and 9 in their original form, and cancelled claims 6 and 7. Thus, claims 1-5 and 8-14 are now pending in this application.

Rejection Under 35 U.S.C. § 103(a)

The Office Action rejects claims 1-3, 5, and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Fujiwara, U.S. Patent No. 6,157,827, in view of Ehara, U.S. Patent No. 6,577,881. These rejections are respectfully traversed.

The Office Action alleges that Fujiwara teaches a communication system comprising: a network; a distribution server connected to said network; and a client terminal connected to said network, wherein said distribution server comprises: a first folder which stores a file read from a content server connected to said network; a radio transmitter which reads out the file

from said first folder and wirelessly transmits the read file to said client terminal, and said client terminal comprises: a radio receiver which wirelessly receives the file transmitted from said radio transmitter; and a second folder which is correlated with said first folder and stores the file received by the radio receiver.

Applicant has amended independent claim 1 in order to better differentiate applicant's invention from the applied Fujiwara reference. In particular, applicant has amended claim 1 to recite a plurality of content servers, each connected to the network. Further, the distribution center is recited as being connected to the network and connected to a plurality of content servers by dedicated communication channels.

In contrast, as may readily be seen from Fig. 1 of Fujiwara, only a single server 11 is utilized. Fujiwara does not disclose a plurality of content servers and a distribution center. In connection to this, it is noted that Applicant's distribution center is recited to include a first folder, an actuation timing setting section and a radio transmitter section. The radio transmitter section communicates with the client terminal which itself contains a radio receiver. The above-enumerated limitations of applicant's amended claims clearly distinguish applicant's invention from the Fujiwara teaching. Moreover, the secondary reference of Ehara does not teach the limitations which are missing from the Fujiwara reference. As such, the combined teachings of Fujiwara and Ehara do not make out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103.

Applicant's dependent claims are deemed to be patentable at least for the same reasons indicated above with respect to independent claim 1 from which they depend. In particular, independent claim 4 was indicated as containing allowable subject matter. Claim 4 has been amended to change the dependency from claim 3 to claim 1. Claim 1 has been amended as discussed above. It is thus submitted that dependent claim 4 is in condition for allowance.

Applicant's dependent claims 2, 3 and 5 are deemed to be patentable since they depend from independent claim 1 and thus provide further limitations to it.

The Examiner has indicated that claim 7 contains allowable subject matter. Claim 7 has now been rewritten in independent form combining the limitations of original claim 1 with original claim 7. As such, claim 7 is deemed to be in condition for allowance.

With respect to claim 8, applicant notes that this claim recites “a position detector which detects a current position of said mobile terminal and is connected to said network.” Further, to more clearly recite applicant’s invention, claim 8 has been amended to recite that the position detector detects when the current position of the mobile terminal is in a predetermined position and sends the position information together with an ID of the mobile terminal to the information distribution center. Claim 8 has further been amended to recite that the distribution center includes a file transmitting section which wirelessly transmits a file in the first folder to the second folder after it receives the information from the position detector. Applicant can find no such corresponding position detector in the references applied by the Examiner, that is, taking Fujiwara singularly or in combination with Ehara. Indeed, applicant can find no specific reference to the position detector in the details of the rejection as stated in paragraph 2 of the outstanding Office Action. It is thus submitted that claim 8 is patentable over the prior art.

Claim 9 depends from claim 8 and is likewise deemed patentable.

Independent claim 10 has been amended to recite applicant’s invention and to distinguish the same over the prior art. In particular, claim 10 recites a network, a mobile terminal which has which has a first folder and a first communication unit for carrying out a radio communication. At least one server is connected to the network and provides at least one service. A distribution center is provided which is connected to the network and has a memory region correlating to the first folder and a second communication unit for carrying out a radio communication. Claim 10 also now recites that when a file has been transmitted by the mobile terminal and stored in the memory region and further identified by the distribution center as requesting a particular service, a file transferring unit transmits the file to the at least one server that provides the relevant service.

Further, when the file that has undergone the requested processing in the at least one server is transmitted to and stored in the memory region of the distribution center, the file transferring unit transfers the file to the first folder which is connected through the network to the distribution center. The file transmission, storage and identification for processing and the subsequent processing of the file and transmission and storage in the distribution center with the subsequent transfer of the file to the first folder find no counterpart in the Fujiwara reference taken singularly or in combination with Ehara. As such, the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103, and claim 10 is thus deemed patentable over the prior art.

Newly submitted independent claim 11 is identical to amended claim 1 but includes an additional limitation that the actuation timing setting section sets a user-specified actuation timing to process the file stored in the first folder. Claim 11 is deemed to be patentable at least for the same reasons set forth above with regard to claim 1.

Newly submitted independent claim 12 is, with one minor exception, claim 7 placed in independent form. The Examiner has indicated that claim 7 contains allowable subject matter. The one exception mentioned above is that the limitation concerning the real time as the actuation timing (lines 2-3 of original claim 7) has not been added to claim 12. Indeed, applicant believes that the reasons for indicating the allowable subject matter in claim 7 come from the last two paragraphs of claim 7 and not from the recitation of the real time aspect. Thus, applicant has deleted the real time aspect in new claim 12 but has retained all of the other limitations of original claim 7. Thus, it is submitted that new claim 12 is patentable over the prior art. Newly submitted dependent claims 13 and 14 depend from newly submitted claim 12 and are likewise deemed patentable at least for the same reasons indicated above with regard to claim 12 from which they depend.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8-9-04

By David A. Blumenthal

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257

